

REMARKS

Applicants respectfully request reconsideration of the present application. No new matter has been added to the present application. Claims 1-60 have been rejected and claims 2, 22, and 42 have been objected to in the Office Action. Applicants have amended claims 1, 2, 6, 8, 21, 22, 28, 41, 42, and 48 and have presented claims 3-5, 7, 9-20, 23-27, 29-40, 43-47, and 49-60 in their original form. Accordingly, claims 1-60 are pending herein. Claims 1-60 are believed to be in condition for allowance and such favorable action is respectfully requested.

Informalities

Claims 2, 22, and 42 have been objected to because the claims state that one template is a set of templates. Each of the claims has been amended to provide clarifying language. Applicants respectfully submit that identifying at least one template may comprise identifying more than one template. In particular, claims 2, 22, and 42 are directed to identifying a set of a plurality of templates. Applicants submit that the amendments to claims 2, 22, and 42 overcome the objections. As such, Applicants request withdrawal of the objections to the claims.

Applicants have also amended claim 6 for clarification purposes.

Rejections based on 35 U.S.C. § 102

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdeggal Brothers v. Union Oil co. of California*, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the . . . claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 2 USPQ 2d 1913, 1920 (Fed. Cir. 1989). *See also*, MPEP § 2131.

Claims 1-60 have been rejected under 35 U.S.C. 102(b) as being anticipated by Rapaport et al. (the “Rapaport reference”). As the Rapaport reference fails to describe either expressly or inherently, each and every element as set forth in the claims, Applicants respectfully traverse this rejection, as hereinafter set forth.

Independent claim 1, as currently amended, is drawn to a method in a computer system for translating medical test results into plain language. The method comprises receiving an actual medical test result for a type of medical test, identifying at least one template associated with the type of medical test, selecting the template matching the actual medical test result, and outputting a plain language explanation based on the selected template.

By way of contrast, the Rapaport reference discloses a patient information retrieval system for notifying patients of medical information. *See, Rapaport reference* at Abstract. The system requires a medical provider to manually enter medical information into voice mailboxes by entering and creating bulletins in the mailboxes. *See id.* at Abstract; col. 9, lines 48-60; FIG. 5. The reference discloses several types of bulletins that a medical provider may enter into mailboxes. *See id.* at col. 9, lines 61-62. These bulletins include pre-recorded bulletins consisting of pre-recorded messages and ‘on-the-fly’ bulletins consisting of custom messages recorded by the medical provider. *See id.* at Abstract; col. 9, line 61 through col. 11, line 39.

It is respectfully submitted that the Rapaport reference fails to describe, either expressly or inherently, each and every element as set forth in amended claim 1. Particularly, the Rapaport reference fails to describe, either expressly or inherently, a computer system receiving an actual medical test result for a type of medical test as recited in amended claim 1. Rather, the Rapaport reference discloses a medical professional entering a pre-recorded message or recording a message ‘on-the-fly’ in the system. There is no mention in the Rapaport reference of

the system ever receiving an actual medical test result. The pre-recorded and 'on-the-fly' bulletins entered and created by a medical provider are different from the actual medical test result. The bulletins in the Rapaport reference are an interpretation or translation of the actual medical test result by the medical provider as opposed to the actual medical test result itself, which is in a form that has not yet been translated to a plain language explanation. Thus, the system in the Rapaport reference does not receive and translate results, it merely communicates interpretations.

In addition, the Rapaport reference fails to describe, either expressly or inherently, a computer system identifying at least one template associated with the type of medical test as recited in amended claim 1. The system in the Rapaport reference is unable to identify a template that corresponds with the type of medical test. Instead, a medical provider must manually review the list of pre-recorded bulletins and manually identify the appropriate bulletins associated with the type of medical test. For example, if the type of medical test was a pap smear, in the Rapaport reference, a medical professional would have to review the list of bulletins and manually identify bulletins P1 and P2 as being associated with this type of medical test. *See id.* at col. 10, lines 46-47. The system in the Rapaport reference never receives the actual medical test result for a type of medical test as cited above and is therefore incapable of identifying the bulletins associated with the type of medical test.

Further, the Rapaport reference fails to describe, either expressly or inherently, a computer system selecting the template matching the actual medical test result as required by amended claim 1. The Rapaport system is unable to select any template. Rather, the medical provider must manually select the appropriate pre-recorded bulletin and enter the bulletin in the system. For example, if the actual medical test result indicated that a pap smear was negative, in the Rapaport reference, a medical professional would have to review the list of bulletins and

manually select bulletin P1 and enter that bulletin number into the system. *See id.* at col. 10, line 46. Thus, the system in the Rapaport reference is incapable of selecting the appropriate bulletin and requires the medical professional to manually select and enter the bulletin. As noted above, the system in the Rapaport reference does not translate results but merely communicates manual interpretations of results.

Although claim 1 allows for clinician input for the selecting step as indicated by dependent claim 8, the Rapaport reference still fails to describe, either expressly or inherently, a computer system selecting the template matching the actual medical test result as required by amended claim 1. Claim 8 has been amended to clarify one difference between the claimed invention and the Rapaport reference. In particular, when the selecting step includes clinician input as indicated in dependent claim 8, the method includes the computer system determining if the medical test result will be interpreted by a clinician, and if so, distributing the medical test result to the clinician. First, the Rapaport reference fails to describe, either expressly or inherently, a system that determines if the medical test result will be interpreted by a clinician. Instead, in the Rapaport reference, the medical test result is always interpreted by a medical professional. Second, the Rapaport reference fails to describe, either expressly or inherently, a system that delivers the medical test result to the clinician. As cited above for the receiving step, the system in Rapaport reference fails to describe a system that receives the actual medical test result, and thus, the system in the Rapaport reference is inherently incapable of distributing the actual medical test result to a clinician, who then provides input to the system so the system may select the template matching the medical test result.

Still further, the Rapaport reference fails to describe, either expressly or inherently, a computer system outputting a plain language explanation based on the selected template as recited in amended claim 1. Because the Rapaport reference fails to describe, either

expressly or inherently, a system that can select a template corresponding with the actual medical test result as cited above for the selecting step, the system cannot output a plain language explanation based on a template selected by the system. Instead, the Rapaport reference discloses a system that provides a pre-recorded message selected by the medical provider.

As such, it is respectfully submitted that the Rapaport reference fails to describe, either expressly or inherently, each and every element of independent claim 1, as amended herein. Accordingly, Applicants respectfully request withdrawal of the rejection of claim 1 under 35 U.S.C. § 102(b). Claim 1 is believed to be in condition for allowance and such favorable action is respectfully requested.

Each of claims 2-20 depend directly or indirectly from claim 1, and accordingly, these claims are believed to be in condition for allowance for at least the above-cited reasons. Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. § 102(b) rejections to these claims as well.

Independent claim 21, as currently amended, is drawn to a computer system for translating medical test results into plain language. The computer system comprises a receiving component that receives an actual medical test result for a type of medical test, an identifying component that identifies at least one template associated with the type of medical test, a selecting component that selects the template matching the actual medical test result, and an outputting component that outputs a plain language explanation based on the selected template.

It is respectfully submitted that the Rapaport reference fails to describe, either expressly or inherently, each and every element as set forth in amended claim 21. Particularly, the Rapaport reference fails to describe, either expressly or inherently, a receiving component that receives an actual medical test result for a type of medical test for at least the reasons cited above for claim 1. Additionally, the Rapaport reference fails to describe, either expressly or

inherently, an identifying component that identifies at least one template associated with the type of medical test for at least the reasons cited above for claim 1. Further, the Rapaport reference fails to describe, either expressly or inherently, a selecting component that selects the template matching the actual medical test result for at least the same reasons cited above for claim 1. Still further, the Rapaport reference fails to describe, either expressly or inherently, an outputting component that outputs a plain language explanation based on the selected template for at least the same reasons cited above for claim 1.

As such, it is respectfully submitted that the Rapaport reference fails to describe, either expressly or inherently, each and every element of independent claim 21, as amended herein. Accordingly, Applicants respectfully request withdrawal of the rejection of claim 21 under 35 U.S.C. § 102(b). Claim 21 is believed to be in condition for allowance and such favorable action is respectfully requested.

Each of claims 22-40 depend directly or indirectly from claim 21, and accordingly, these claims are believed to be in condition for allowance for at least the above-cited reasons. Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. § 102(b) rejections to these claims as well.

Independent claim 41, as currently amended, is drawn to a computer-readable medium containing instructions for controlling a computer system to translate medical test results into plain language by receiving an actual medical test result for a type of medical test, identifying at least one template associated with the type of medical test, selecting the template matching the actual medical test result; and outputting a plain language explanation based on the selected template.

It is respectfully submitted that the Rapaport reference fails to describe, either expressly or inherently, each and every element as set forth in amended claim 41. Particularly,

the Rapaport reference fails to describe, either expressly or inherently, a computer-readable medium containing instructions for receiving an actual medical test result for a type of medical test for at least the reasons cited above for claim 1. Additionally, the Rapaport reference fails to describe, either expressly or inherently, a computer-readable medium containing instructions for identifying at least one template associated with the type of medical test for at least the reasons cited above for claim 1. Further, the Rapaport reference fails to describe, either expressly or inherently, a computer-readable medium for selecting the template matching the actual medical test result for at least the same reasons cited above for claim 1. Still further, the Rapaport reference fails to describe, either expressly or inherently, a computer-readable medium for outputting a plain language explanation based on the selected template for at least the same reasons cited above for claim 1.

As such, it is respectfully submitted that the Rapaport reference fails to describe, either expressly or inherently, each and every element of independent claim 41, as amended herein. Accordingly, Applicants respectfully request withdrawal of the rejection of claim 41 under 35 U.S.C. § 102(b). Claim 41 is believed to be in condition for allowance and such favorable action is respectfully requested.

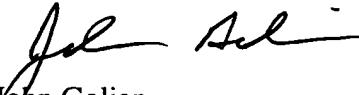
Each of claims 42-60 depend directly or indirectly from claim 41, and accordingly, these claims are believed to be in condition for allowance for at least the above-cited reasons. Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. § 102(b) rejections to these claims as well.

CONCLUSION

For the reasons stated above, claims 1-60 are believed to be in condition for allowance. Applicants respectfully request withdrawal of the pending rejections and allowance

of claims 1-60. If any issues remain that would prevent issuance of this application, the Examiner is urged to contact the undersigned by telephone prior to issuing a subsequent action. It is believed that no fee is due in conjunction with the present amendment. However, if this belief is in error, the Commissioner is hereby authorized to charge any amount required (or to credit any overpayment) to Deposit Account No. 19-2112.

Respectfully submitted,


John Golian
Reg. No. 54,702

SHOOK, HARDY & BACON L.L.P.
2555 Grand Blvd.
Kansas City, MO 64108-2613
816-474-6550